

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
:
NICHOLAS M. RODGERS AND, : No. 24-11876-PMM
EVANN C. RODGERS, :
Debtors :

**MOTION OF FULTON BANK, N.A. TO WAIVE NOTICE REQUIREMENT OF
RULE 3002.1 OF THE BANKRUPTCY CODE NUNC PRO TUNC
TO MAY 31, 2024**

Movant, Fulton Bank, N.A. (“Fulton”) seeks waiver of the notice requirement of Rule 3002.1 of the United States Bankruptcy Code, and requests an Order authorizing the waiver of the requirement that Fulton Bank, N.A. file monthly Notices of Payment Changes under and pursuant to a Note and Mortgage between (the “Debtors”) and Fulton, and in support thereof, avers as follows:

1. Movant, Fulton Bank, N.A. is a Pennsylvania banking institution having an office at One Penn Square, P.O. Box 4887, Lancaster, Pennsylvania 17604.
2. Debtors filed a voluntary petition (the “Petition”) under Chapter 13 of the United States Bankruptcy Code on May 31, 2024, and were granted an order for relief thereon.
3. Fulton is the holder of a secured claim (the “Claim”) against the Debtors by virtue of a Note (hereinafter the “Note”) dated March 3, 2022 in the amount of \$53,000.00. A redacted copy of the Note is attached hereto, made a part hereof and marked Exhibit “A.”
4. Fulton is in the process or preparing its Proof of Claim for filing.
5. The Note provides for interest at a variable rate which can change monthly.
6. The monthly variable rate change requires Fulton to file a Notice of Payment Change

monthly as the rate changes and/or the simple interest is calculated based upon the number of days in the month pursuant to Rule 3002.1.

7. The requirement of Fulton to file a Notice of Payment Change on a monthly basis is burdensome and costly to accomplish within the twenty-one (21) day requirement prior to each payment due date.

8. Debtors receive monthly statements from Fulton which show the new payment amount for the following month.

9. The monthly payments are current.

10. Fulton requests that this Honorable Court approve the waiver of the requirement to file Notices of Payment Change on a monthly basis, and instead allow Fulton to file Notices of Payment Change on a yearly basis, beginning with the September 24, 2024 payment.

WHEREFORE, Movant, Fulton Bank, N.A. respectfully requests that this Honorable Court enter an Order Nunc Pro Tunc to May 31, 2024, substantially in the form of the attached Proposed Order, waiving the Notice requirement imposed by Rule 3002.1 of the Bankruptcy Code and approve the filing of any Notices of Payment Change by Movant on a yearly basis, beginning with the September 24, 2024 payment, and granting such other and further relief as the Court deems just.

BARLEY SNYDER

Dated: July 18, 2024

By: /s/ Matthew G. Brushwood, Esquire
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